

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF NEW YORK

LUCAS S. PIERCE,

Plaintiff,

-against-

9:06-CV-1290
(LEK/GHL)

DAVE MONELL, Lieutenant, Tioga County Jail;
JESSIE HOWE, Corrections Officer, Tioga County Jail;
and NATE MARSH, Sergeant, Tioga County Jail,

Defendants.

DECISION AND ORDER

This matter comes before the Court following a Report-Recommendation filed on March 13, 2008, by the Honorable George H. Lowe, United States Magistrate Judge, pursuant to 28 U.S.C. § 636(b) and L.R. 72.3(c) of the Northern District of New York. Report-Rec. (Dkt. No. 22).

Within ten days, excluding weekends and holidays, after a party has been served with a copy of a Magistrate Judge's Report-Recommendation, the party "may serve and file specific, written objections to the proposed findings and recommendations," FED. R. CIV. P. 72(b), in compliance with L.R. 72.1. No objections have been raised in the allotted time with respect to Judge Lowe's Report-Recommendation. Furthermore, after examining the record, the Court has determined that the Report-Recommendation is not subject to attack for plain error or manifest injustice.

Accordingly, it is hereby

ORDERED, that the Report-Recommendation (Dkt. No. 22) is **APPROVED** and
ADOPTED in its **ENTIRETY**; and it is further

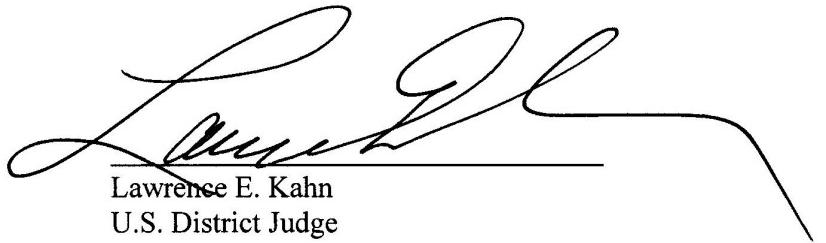
ORDERED, that Plaintiff's Complaint (Dkt. No. 1) is *sua sponte* **DISMISSED** with

prejudice for failure to prosecute and/or for failure to comply with an Order of the Court, pursuant to Fed. R. Civ. P. 41(b); and it is further

ORDERED, that the Clerk serve a copy of this Order on all parties, by serving a copy of this Order by mail upon Plaintiff at both his address of record in this action and at Plaintiff's original address of record in this action: Auburn Correctional Facility, P.O. Box 618, Auburn, NY 13024.

IT IS SO ORDERED.

DATED: April 10, 2008
Albany, New York



Lawrence E. Kahn
U.S. District Judge

A handwritten signature in black ink, appearing to read "L. Kahn". Below the signature, the name "Lawrence E. Kahn" is printed in a standard font, followed by "U.S. District Judge" in a smaller font.